

<p style="text-align: right;">294</p> <p>1 at Lowe's. I'm trying to keep --</p> <p>2 Q. You know what, you tell me</p> <p>3 what you have to tell me. I want to know</p> <p>4 the facts -- what I am inquiring into,</p> <p>5 sir, because you're alleging my client</p> <p>6 violated the civil rights laws of this</p> <p>7 country and of the State of Delaware.</p> <p>8 That's a pretty serious accusation.</p> <p>9 A. Yes, sir.</p> <p>10 MR. PRIMOS: Objection to</p> <p>11 the form.</p> <p>12 BY MR. LEAHY:</p> <p>13 Q. And when you say that, and I</p> <p>14 ask you, well, why do you think it was</p> <p>15 because of your sex, you said because</p> <p>16 they are both females, and I need to know</p> <p>17 every reason why, and if takes you back,</p> <p>18 I don't care how far back it has to take</p> <p>19 you, you tell me why you think it was</p> <p>20 because of your sex.</p> <p>21 A. You can look at this how you</p> <p>22 want to look at it, but now -- this goes</p> <p>23 back to the pay rate when I got the 25</p> <p>24 cents instead of the 50 cents.</p>	<p style="text-align: right;">296</p> <p>1 doing the same thing, but, you know, not</p> <p>2 really. It's just like a non-tangible</p> <p>3 type of way she did that.</p> <p>4 And, you know -- and the way</p> <p>5 I looked at that -- after she did that,</p> <p>6 the way I looked at that, I just looked</p> <p>7 at it as if she looked down upon someone</p> <p>8 going to school full-time trying to make</p> <p>9 something of themselves and trying to be</p> <p>10 somebody, and that somebody I wanted to</p> <p>11 be was in Lowe's management, and that</p> <p>12 seemed to bother her, because why would</p> <p>13 she not give me a minute or two of her</p> <p>14 time to have her show my transcript, talk</p> <p>15 to her about these classes, and what I</p> <p>16 could do for Lowe's, because everything I</p> <p>17 talked about was Lowe's, Lowe's, Lowe's</p> <p>18 and it wasn't about anything else with</p> <p>19 her.</p> <p>20 Q. Do you think she didn't like</p> <p>21 you because you were going to school?</p> <p>22 A. I think it was just</p> <p>23 someone -- to paraphrase, that a male</p> <p>24 trying to be successful and make</p>
<p style="text-align: right;">295</p> <p>1 I brought Yvette my college</p> <p>2 transcript and it showed -- because I had</p> <p>3 nothing to hide, I had a 3.5 GPA, and I</p> <p>4 wanted to show her that, and that was --</p> <p>5 mostly the four classes were business,</p> <p>6 and I wanted to show her I could</p> <p>7 implement these classes into Lowe's, and,</p> <p>8 yes, I was talking about a pay rate at</p> <p>9 the time, but hopefully, eventually,</p> <p>10 leading to a promotion.</p> <p>11 And she said, you can take</p> <p>12 that back.</p> <p>13 I said, Yvette, I just want</p> <p>14 to show you how I can apply this to</p> <p>15 Lowe's.</p> <p>16 She said, it doesn't matter.</p> <p>17 She goes -- goes didn't matter, just take</p> <p>18 it back, I don't need to see it.</p> <p>19 She didn't -- just like what</p> <p>20 she did with my two-day sick day notice</p> <p>21 when I had laryngitis and she crumpled it</p> <p>22 on the floor, she pretty much did that,</p> <p>23 except but she didn't do that. She just</p> <p>24 pushed it away, so, to me, it was kind of</p>	<p style="text-align: right;">297</p> <p>1 something of -- of himself that happens</p> <p>2 to be a minority and happens to want to</p> <p>3 work for Lowe's.</p> <p>4 Q. Why do you think that?</p> <p>5 A. Because she didn't give me</p> <p>6 the time of day and she is -- she hasn't</p> <p>7 been consistent and she has lied to me</p> <p>8 and -- several times and she also --</p> <p>9 Q. How did she lie to you?</p> <p>10 A. About getting the promotion.</p> <p>11 Q. We talked about that</p> <p>12 already?</p> <p>13 A. And then --</p> <p>14 Q. Is that right, we talked</p> <p>15 about that one?</p> <p>16 A. Yes, sir.</p> <p>17 Q. What other times did she lie</p> <p>18 to you?</p> <p>19 A. She lied to me only about</p> <p>20 being in flooring temporarily for a</p> <p>21 couple of months, which I ended up being</p> <p>22 there until I left, over six months.</p> <p>23 Q. Okay. Any other ways that</p> <p>24 she lied to you?</p>

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1 A. She lied to my boss at Ideal
2 Merchandising.

3 Q. What did she lie to your
4 boss about?

5 A. She told Jeremy Leaman that
6 she didn't call me boy and that she
7 didn't say -- that comment that I called
8 on the care line, that she said none of
9 that happened and she didn't --
10 definitely didn't call me a boy, and I
11 needed to go and apologize to her for
12 calling the care line.

13 Q. And how do you know that she
14 did that?

15 A. Jeremy told me.

16 Q. Any other reasons why you
17 think it was because of your race and
18 your sex?

19 A. Only time -- one -- one time
20 I gave her my business card. There's a
21 group -- when I was market sales manager
22 for Spectrum, there was a group of people
23 there and I didn't want to leave her out
24 of the loop.

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1 There was Larry, who I
2 mentioned several times, you know, and
3 Thelma, I probably mentioned her several
4 times, and a couple of other people I
5 didn't mention, and she happened to be
6 there, so I said, hey, here is my
7 business card, if you need or have any
8 questions on gardening, call me.

9 Q. Any questions on what?

10 A. Lawn and gardening, because
11 that was my product, and with Yvette, she
12 just took my card and gave it -- didn't
13 even -- just chucked it. She didn't
14 throw it away, she chucked it away to the
15 person next to her, Paula. At the time
16 she was security.

17 Q. Okay.

18 A. She had two of my cards now
19 instead of one, and that showed me right
20 there -- I mean, this is just an example.
21 She just -- there is something about me
22 she just disliked, because instead of
23 saying congratulations, this is great,
24 you know, I got to -- a yard, that I need

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1 to get -- that I needed work on and this
2 and that, she didn't even look at the
3 card, look at the company, anything, just
4 Paula take this, in front of everybody,
5 and everybody just kind of looked at each
6 other like -- you know, it was an
7 uncomfortable situation.

8 Q. Is it safe to say Yvette was
9 rude to you?

10 A. All the time.

11 Q. Okay. Any other reasons why
12 you think it was because of your race or
13 sex that she treated you in the way she
14 treated you?

15 A. Okay. Since you said you
16 want the facts, and I can jump around
17 from Ideal Spectrum and Lowe's, and, like
18 I said, if I could jump around, just a
19 simple fact that I felt that I was being
20 stunted in my growth. I couldn't get a
21 promotion. I couldn't get a pay raise.
22 Even this -- and then it made me mad.
23 Like in the five and a half years that I
24 worked at Lowe's, only I called out once,

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1 maybe twice, but it was no more than two
2 times, and that's a pretty good track
3 record for five and a half years.

4 And to call out this time
5 when I don't have a track record to call
6 in sick just really hurt, hurt me,
7 because a lot of people call out sick all
8 the time and they're still there, and for
9 her to give me as hard of a time as she
10 did, it was hard because I quit.

11 And coming back there as a
12 vendor and being treated worse each time,
13 worse than -- when I worked at Spectrum,
14 worse thing was at Lowe's. When I went
15 to Ideal, worse than Spectrum and Lowe's
16 combined. It just progressed to get
17 worse and -- and I have to look at it
18 from the sex and national origin and race
19 perspective because I never -- I fell
20 down, but I kept on walking, basically
21 meaning that like, yes, I quit Lowe's,
22 but that wasn't the end of me. I came
23 back for Spectrum.

24 She gave me a worse time

<p style="text-align: right;">302</p> <p>1 than I worked for Lowe's. I got laid off 2 because of the job restructuring. They 3 didn't market sales managers no more. 4 She thought she got rid of me. And so I 5 came back with Ideal a month later and 6 that broke the straw on the camel's back 7 because her best friend is Linda Myers 8 and I took her son's spot. Then from 9 what I understand, they thought I was 10 responsible for getting her son 11 terminated, which is ridiculous because I 12 don't know her son. 13 Q. And why do you understand 14 that? 15 A. That's what everybody was 16 saying. 17 Q. Who? 18 A. Larry, Thelma, Juanita, 19 Mike, Jason, various people, various 20 departments throughout store. 21 Q. Any other reasons why you 22 think it was because of your race or your 23 sex? 24 A. Other than the consistency</p>	<p style="text-align: right;">304</p> <p>1 Q. Okay. Did you tell Jeremy 2 she's treating me this way because of my 3 race and my sex? 4 A. Yes, sir. 5 Q. Yes, you did? 6 A. Yes, sir. 7 Q. What did he say? 8 A. He says, well, you know, 9 that's a serious accusation right there, 10 and I said I know, but he was more 11 concerned with the fact that, you know, 12 -- it was -- it was actually the next day 13 that it was actually more of a big deal 14 because he got upset that I didn't go 15 through him. 16 For some reason when I 17 called him that night, he didn't make a 18 big deal out of it. It was made a big 19 deal -- I don't know if he heard from 20 Yvette or heard from Lowe's or somebody, 21 but it was the next day that he made a 22 big deal about that, that I needed to 23 report to him on any kind of -- any kind 24 of issues with Yvette or Lowe's in</p>
<p style="text-align: right;">303</p> <p>1 in getting worse, the more I kept on 2 reporting to Lowe's of Dover, the way it 3 ended. 4 Q. And that's your termination? 5 A. Yes, sir. 6 Q. Okay. Well, we will get to 7 the termination in a minute. 8 Is there anything else? 9 A. I can't think of anything 10 else. 11 Q. All right. I know about the 12 customer care incident facts. We have 13 this one. Any other times that you have 14 complained to anybody at either Lowe's or 15 Ideal about the way Yvette Schreiber was 16 treating you? 17 A. Jeremy Leaman. 18 Q. When did you complain to 19 Jeremy? 20 A. The day that I called the 21 care line. 22 Q. Okay. And you have told us 23 about that already? 24 A. Yes, sir.</p>	<p style="text-align: right;">305</p> <p>1 general. 2 Q. Anybody else at Lowe's who 3 you complained to about the way that 4 Yvette treated you? 5 A. I did, but it was more on an 6 informal level. 7 Q. To whom? 8 A. Not like to Mr. Jeremy 9 Leaman, Larry Reed, which I have 10 mentioned. 11 Q. I'm sorry, what was Larry's 12 position again? 13 A. Department manager in paint, 14 and I know I mentioned that name a lot. 15 I mentioned that name a lot because he's 16 someone that started at the same time I 17 started a Lowe's, and he moved up 18 progressively, and we see eye to eye on 19 many issues, and he was just someone that 20 I could talk to and he -- he would be one 21 that was -- would be an open-ear just to 22 hear me vent when I was having a tough 23 day at Lowe's of Dover. 24 Q. Did you tell Larry that it</p>

<p style="text-align: right;">306</p> <p>1 was because of your race and sex that</p> <p>2 Yvette was treating you this way?</p> <p>3 A. Yes, sir.</p> <p>4 Q. You did?</p> <p>5 A. Yes.</p> <p>6 Q. What did Larry say?</p> <p>7 A. He says he's not surprised.</p> <p>8 Q. Did you discuss it any</p> <p>9 further?</p> <p>10 A. No, because at that time I</p> <p>11 don't think I was going to go through any</p> <p>12 of this.</p> <p>13 Q. Any of what?</p> <p>14 A. This deposition or anything.</p> <p>15 I mean, at the time I was -- I just</p> <p>16 wanted to work it out, continue to work</p> <p>17 for Ideal as long as I could, because, as</p> <p>18 I said, my goal was to eventually work</p> <p>19 for Lowe's again.</p> <p>20 With Yvette being there, I</p> <p>21 don't think I could work for Dover, but</p> <p>22 maybe work in Lowe's in Middletown or</p> <p>23 Rehobeth, something close, that is</p> <p>24 driving distance, so my aim was just to</p>	<p style="text-align: right;">308</p> <p>1 negative, and it makes me very</p> <p>2 uncomfortable.</p> <p>3 And I told them about the</p> <p>4 care line, that she denied what she had</p> <p>5 done, and I just said this shows you the</p> <p>6 character that she is. She said that</p> <p>7 about me, to me, called me boy and all</p> <p>8 these remarks, and she is going to deny</p> <p>9 it, so I told him that to her this is a</p> <p>10 game, because he's making serious</p> <p>11 allegations and not fessing up to it.</p> <p>12 Q. But when did you tell him</p> <p>13 that you thought it was because of your</p> <p>14 race and your sex?</p> <p>15 A. I believe it was that week.</p> <p>16 Q. What week?</p> <p>17 A. The week of the care line,</p> <p>18 when I called the Lowe's care line.</p> <p>19 Q. And you clearly remember</p> <p>20 telling him it was for those reasons?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is there anybody else at</p> <p>23 Lowe's who you told it was because of</p> <p>24 your race and your sex?</p>
<p style="text-align: right;">307</p> <p>1 get as much knowledge in electrical and</p> <p>2 plumbing through Ideal and then get into</p> <p>3 Lowe's.</p> <p>4 Even though I was going</p> <p>5 through this tough time, I knew this is</p> <p>6 what I was doing since I was 18, always</p> <p>7 -- my career always seemed to evolve</p> <p>8 around Lowe's, whether for or outside of</p> <p>9 Lowe's, so since I felt this is my niche</p> <p>10 and what I have always done, that I just</p> <p>11 needed to stick with it, so I wasn't</p> <p>12 thinking of any kind of -- taking it to</p> <p>13 the next level, just basically just take</p> <p>14 it a day at a time and just hope, you</p> <p>15 know, it just gets better.</p> <p>16 Q. Tell me what your complaint</p> <p>17 was to Larry Reed.</p> <p>18 A. Just frustrated that no</p> <p>19 matter what I do or what I say, Yvette</p> <p>20 and Linda have it out for me and -- and</p> <p>21 they make it real uncomfortable for me,</p> <p>22 just a hostile environment, always</p> <p>23 checking up on me, and when they do</p> <p>24 approach me, it's abrasive, it's</p>	<p style="text-align: right;">309</p> <p>1 A. No, sir.</p> <p>2 Q. Now, if that was the reason</p> <p>3 that you felt you were being treated that</p> <p>4 way, why did you not very clearly state</p> <p>5 that to the customer care line when you</p> <p>6 made that call?</p> <p>7 A. Going back to the call that</p> <p>8 I made about Yvette Schreiber?</p> <p>9 Q. Well, you told me earlier,</p> <p>10 and correct me if I'm wrong, you don't</p> <p>11 remember specifically if you said it was</p> <p>12 because of your race or sex, but you did</p> <p>13 tell me that Exhibit 4 was substantively</p> <p>14 correct with regard to what you have told</p> <p>15 the person on the customer care line;</p> <p>16 correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Why didn't you make sure</p> <p>19 that you told them it was because of your</p> <p>20 race and your sex, because, as you said a</p> <p>21 minute ago, this is a serious allegation,</p> <p>22 isn't it?</p> <p>23 A. Yes, it is.</p> <p>24 Q. Why didn't you make sure you</p>

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1 told them that?

2 A. Because at the time I just

3 wanted to rectify it. My intent in

4 calling was not to cause a scene and make

5 a mountain out of a mole hill, but maybe

6 this would break the ice, maybe this

7 would -- maybe it would -- maybe it would

8 and maybe it wouldn't, but for some

9 people it works differently, but maybe

10 this call would have us establish some

11 sort of relationship that's on a business

12 level and not on a confrontational level.

13 My intent to call was to

14 work things out, just to have a rapport,

15 to have some kind of a rapport and

16 understanding and communication. That's

17 the purpose of the call. I wanted to

18 work things out, not -- not just be like,

19 you know, she needs to -- needs to -- I

20 don't have the authority to say she can

21 be transferred or whatever, but just to

22 work things out.

23 I mean, sometimes, I mean,

24 you work for people and you're not going

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1 to get along with them, and in this case,

2 that happens to be the store manager, and

3 I'm just a vendor, but I still -- I just

4 wanted to work things out because I

5 didn't feel like I should have to go to

6 the Lowe's store depressed all time

7 because I feel this is another day where

8 Yvette picks on Will and gets embarrassed

9 in front of everybody.

10 Q. Let's go back to paragraph

11 14 of your complaint, and we were talking

12 about you were subject to constant

13 harassment by store manager Yvette, and

14 the rest of it says, and assistant store

15 manager Linda Myer.

16 A. Yes, sir.

17 Q. Tell me how Linda Myer

18 subjected you to harassment.

19 A. From the very --

20 Q. I should say Myers.

21 A. Myers, yes, that's correct.

22 Starting from the very first

23 day, which I have already mentioned when

24 I almost didn't get the job with Ideal

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1 Merchandising, that Jeremy Leaman had got

2 a mysterious call, not to his cell phone,

3 but amazingly at the department that he

4 was at, which was home decor, which I had

5 to do paperwork at, mini blind

6 department, and she would have had to

7 have known exactly where he was at

8 because every department has a different

9 extension.

10 So one of the associates

11 picked up and said, is there a Jeremy

12 here? He goes, yeah, that's me. Got the

13 call from the department and it was -- in

14 a nutshell, after the call, I didn't even

15 ask him anything, and he said that was

16 Linda. Do you know who she is?

17 And I said, yeah. Like I

18 said to you before, that goes through the

19 whole store why she didn't want me to

20 work there.

21 Q. Let me make something clear.

22 Jeremy worked for Ideal; correct?

23 A. Yes, sir.

24 Q. And Ideal serviced plumbing

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1 and electrical?

2 A. Yes.

3 Q. So if Linda Myers wanted to

4 know what department he was in, she had

5 two choices, didn't she?

6 A. Yes, sir.

7 Q. Plumbing or electrical?

8 A. Yes, sir.

9 Q. So for her to know what

10 department he was in really didn't take a

11 whole lot of guesswork by her, did it?

12 A. No, it did not.

13 Q. So you told me about that

14 one. What other instances do you feel

15 that you were subjected to harassment by

16 Linda Myers?

17 A. I want to say the

18 chastising, if that's the right word, or

19 the -- I don't know if I am using the

20 right word there, but more -- more like a

21 defamation type of situation because she

22 was telling various people that she

23 didn't want me -- I mean, and she

24 shouldn't do that, being she's in

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1 management, telling various people that
2 she didn't want me to work for Ideal
3 Merchandising.

4 Q. Who did she tell?

5 A. Everybody. She told Larry,
6 Thelma, uhm, Juanita. Uhm, probably a
7 couple people, but I can't think of their
8 names right now, but that goes back to
9 what I was telling you before, that she
10 felt that I was responsible for her son
11 getting terminated and that she didn't
12 want me to take over after her son.

13 Q. Why do you think that was
14 the reason? I know you told me before,
15 but I apologize, because I don't recall.

16 A. Her dislike for me.

17 Q. I'm sorry, that was why she
18 felt that you were responsible, for you
19 getting her son terminated?

20 A. No, sir. I don't know why
21 she felt that I was -- I guess she felt
22 that it was so soon, because when I took
23 over, it wasn't that long after her son
24 got terminated, we are talking maybe

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1 will have to deal with that, but I want
2 you to tell me ways in which you think
3 you were harassed by Linda Myers.

4 A. Eric is the electrical
5 specialist at Lowe's in the electrical
6 department, and I mentioned earlier that
7 he had gotten a call to check up on me.

8 Q. Is that something that you
9 have already told me about?

10 A. That one yes, sir.

11 One thing I didn't tell you
12 about, I guess I can't prove it, but I
13 believe that was her on the other end. I
14 probed Eric, I said, was it a lady?

15 He said, yeah.

16 Well, Yvette wasn't there
17 that day, but Linda was, and I know the
18 only one that had -- I don't like to use
19 these kind of words -- I'm not even going
20 to use it, but the only thing that had --
21 she's the only lady that I basically know
22 would do something like that because I
23 didn't have problems with any of the
24 other female managers or specialists or

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1 about a month, and so it's not like there
2 was this big gap where nobody serviced
3 plumbing and electrical. Shortly
4 thereafter I was hired, and I guess
5 because it was so fast that they hired
6 someone, she probably felt I was
7 responsible for getting her son
8 terminated, which wasn't the case because
9 I don't even know her son.

10 Q. That's your own speculation
11 on that, though, not something somebody
12 told you?

13 A. That's something from Larry,
14 Joe, Juanita and, like I said, a couple
15 of other people I can't even think about.

16 Q. Okay. And any other ways in
17 which you were harassed by Linda Myers?

18 A. I can't -- I can't prove it,
19 though.

20 Q. Well, tell me.

21 A. I believe -- see, it's -- I
22 don't know if she --

23 Q. Proving your case is your
24 attorney's job right now, so I'm sure he

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1 whoever they may be. Most of them I
2 didn't even have a rapport with, to be
3 honest with you, so I knew if anyone
4 would call, it would be her, especially
5 if it was an internal call.

6 Q. But you don't know that for
7 certain?

8 A. I don't know that for
9 certain.

10 Q. Any other ways in which you
11 were subjected to harassment by Linda
12 Myers?

13 A. Other than the fact that
14 she, I mean, chastised me with my
15 district manager, said stuff, said stuff
16 with other Lowe's employees.

17 Q. Now you got to be specific
18 on this.

19 A. Basically -- I am just
20 paraphrasing what I already said.

21 Q. I don't need to know
22 anything you already told me.

23 What I asked about is ways
24 in which Linda Myers harassed you, and

<p style="text-align: right;">318</p> <p>1 here's what you told me, and tell me if 2 there's anything that you've left out. 3 She made a call to Jeremy Leaman on the 4 first day where she said she didn't want 5 you working there? 6 A. Correct. 7 Q. She told various people that 8 she didn't want you working for Ideal? 9 A. Correct. 10 Q. And you listed a few of 11 them, Larry, Juanita, Thelma. I think 12 they are the three I wrote down, at 13 least. 14 A. Yes, sir. 15 Q. Next one, Eric got a call 16 checking up on you, and you think that 17 was Linda Myers doing that? 18 A. Yes, sir. 19 Q. Okay. Any other ways in 20 which you were subjected to harassment by 21 Linda Myers? 22 A. The other one would be -- I 23 know you're not going to talk about it is 24 the termination.</p>	<p style="text-align: right;">320</p> <p>1 A. Yeah. 2 Q. Okay. What did you say to 3 Mr. Leaman and what did he say to you? 4 Give me the whole conversation. 5 A. I just said basically just 6 seems -- like I said everybody in the 7 store seems to know about my business, 8 which was basically knowing that Linda 9 was upset that I took over when her son 10 was the previous Ideal merchandiser and 11 basically she didn't want me there -- and 12 various people that worked at Lowe's -- 13 and some of them I didn't even know, I 14 didn't even know until I was Ideal 15 merchandiser, and they knew my name, knew 16 what companies I worked for, and they 17 knew how Linda thought about it. 18 And I said, Jeremy, I said, 19 you know, I know Linda didn't want me 20 there the first day, but she is going 21 around talking to people because people 22 were saying all these accusations and I 23 just don't know what to make of it. He 24 goes, as long as you do your job,</p>
<p style="text-align: right;">319</p> <p>1 Q. We are going to talk about 2 the termination. You're not getting off 3 that easy. 4 A. Yeah. 5 Q. But that -- so the term -- 6 and I just -- I don't want to lose sight 7 of any of the other instances, so the 8 termination is an incident we will list, 9 but what else, any other ways? 10 A. Not that I can think of. 11 That would probably be it. 12 Q. Okay. Now, did you ever 13 complain to anybody about the way that 14 you were treated by Linda Myers? 15 A. Yes, sir. 16 Q. Who did you complain to? 17 A. My boss, Jeremy Leaman. 18 Q. When did you complain to 19 Jeremy Leaman about the way that you were 20 treated by Linda Myers? 21 A. Probably like a week or two 22 weeks after she didn't want me there. 23 Q. So this is pretty soon after 24 you started?</p>	<p style="text-align: right;">321</p> <p>1 everything, you know, will be okay. 2 Q. What accusations were people 3 making? 4 A. I don't know if accusations 5 is the correct word, but basically -- 6 well, the only person that I -- other 7 than myself, Jeremy and Larry, that was 8 it as far as, uhm, knowing that Linda 9 didn't want me there. 10 Q. Okay. 11 A. And unless Larry said 12 something, which I doubt, but, see, 13 everybody in the store, different people, 14 knew about the situation, that Linda 15 didn't want me there, and that, you know, 16 she was upset that I took over for her 17 son's position and that she just was 18 unhappy with me being there. 19 And -- and people I didn't 20 even know came up to me and said, aren't 21 you the one that took over for Linda 22 Myers' son? I don't even know their 23 names or anything, new Lowe's employees, 24 and that's -- and that's when I brought</p>

<p style="text-align: right;">322</p> <p>1 it to Jeremy's attention and it just 2 seemed like the whole store knew. I 3 mean, the -- just redundant. 4 Q. Okay. Did you tell Jeremy I 5 think she doesn't want me here because of 6 my race and my sex? 7 A. No, I didn't say that. 8 Q. Did you ever make any 9 complaints to anybody at Lowe's about 10 Linda? 11 A. I mean, I talked to Larry. 12 I mean, I'm not -- 13 Q. What did you talk to Larry 14 about? 15 A. That -- that Linda is taking 16 it too personal that I am an Ideal 17 merchandiser. 18 Q. Okay. What did Larry say? 19 A. He said, yeah, she probably 20 would because you took over her son's 21 position and probably felt like you got 22 him terminated. 23 Q. Did you ever complain to 24 anybody else at Lowe's about the way</p>	<p style="text-align: right;">324</p> <p>1 Q. What did Thelma say? 2 A. She goes, I agree. 3 Q. Let's take a look at 4 paragraph 15 of your complaint. It says, 5 plaintiff complained about said 6 harassment to the corporate office of 7 defendant, Lowe's, and to defendant, 8 Ideal. 9 And I think we have covered 10 this. Tell me if I am incorrect. 11 Exhibit 4, is that your complaint to the 12 corporate office? 13 A. Yes, sir. 14 Q. Okay. Of Lowe's? 15 A. Yes, sir. 16 Q. That's the only complaint 17 that you made to the corporate office of 18 Lowe's? 19 A. Yes, sir. 20 Q. You have told me about 21 calling Jeremy Leaman around the same 22 time you made this call, is that correct, 23 or around the same time you made the call 24 that's referenced in Exhibit 4?</p>
<p style="text-align: right;">323</p> <p>1 Linda treated you? 2 A. No. 3 Q. Did you ever tell anybody at 4 Lowe's that you thought that Linda was 5 treating you the way in which she was 6 treating you because of your race and 7 your sex? 8 A. The only person I could 9 think of, and I don't remember if it was 10 because of a specific incident or just 11 because that's just how I felt, but that 12 would be Thelma. 13 Q. What did you tell to Thelma? 14 A. I just felt like I'm being 15 discriminated against. 16 Q. You told Thelma that? 17 A. Yes, sir. 18 Q. Okay. And what did -- did 19 you say I think I'm being discriminated 20 against because of my race or my sex? 21 A. No, I didn't say that. 22 Q. You just said discriminated 23 against? 24 A. Yes, sir.</p>	<p style="text-align: right;">325</p> <p>1 A. Yes, sir. 2 Q. Is that the only complaint 3 you made to Jeremy Leaman about 4 harassment? 5 MR. PRIMOS: Objection to 6 form. 7 You can answer. You can 8 answer. 9 THE WITNESS: I, uhm -- a 10 week -- 11 MR. LEAHY: Actually, 12 state your objection. 13 MR. PRIMOS: Yeah, it's been 14 asked and answered. You asked, I 15 think, about other incidents and 16 he talked about complaints to 17 Jeremy Leaman, if I am not 18 mistaken. 19 MR. LEAHY: Let me rephrase 20 it then. 21 BY MR. LEAHY: 22 Q. This is the only -- Exhibit 23 4 is the only complaint you made to 24 Lowe's that's referenced in paragraph 15;</p>

<p>326</p> <p>1 is that correct?</p> <p>2 A. Documented complaint, yes,</p> <p>3 sir.</p> <p>4 Q. Okay. And are there any</p> <p>5 complaints that you made to Lowe's that</p> <p>6 we have not already discussed?</p> <p>7 A. I think -- I think we</p> <p>8 discussed all the non-documented</p> <p>9 complaints, which was just like talking</p> <p>10 to Jeremy Leaman or Larry or just --</p> <p>11 Q. And I want to talk</p> <p>12 specifically about Lowe's right now, and</p> <p>13 we will get to Jeremy in a second, so for</p> <p>14 Lowe's have we covered everything?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. How about it says in</p> <p>17 paragraph 15, he complained about said</p> <p>18 harassment to defendant Ideal.</p> <p>19 What complaints did you make</p> <p>20 to Jeremy Leaman?</p> <p>21 A. Basically that working at</p> <p>22 the Lowe's Dover was a hostile</p> <p>23 environment.</p> <p>24 Q. Okay. And is that one that</p>	<p>328</p> <p>1 Q. Okay. Was there another</p> <p>2 time when you had a conversation with</p> <p>3 Jeremy Leaman and you talked about</p> <p>4 discrimination because of your race and</p> <p>5 your sex?</p> <p>6 A. I don't think -- the only</p> <p>7 one that's outstanding to me is the one</p> <p>8 -- only one that's outstanding to me as</p> <p>9 far as discrimination that I mentioned</p> <p>10 was when I talked to -- when I talked to</p> <p>11 Thelma and Larry, but as far as --</p> <p>12 MR. PRIMOS: No.</p> <p>13 MR. LEAHY: We are talking</p> <p>14 about Ideal.</p> <p>15 MR. PRIMOS: I think there</p> <p>16 may be confusion here. He may be</p> <p>17 thinking you're only asking about</p> <p>18 Linda Myers, because I know that</p> <p>19 Mr. Hanson has testified before</p> <p>20 that he did talk to Jeremy Leaman</p> <p>21 about discrimination on the basis</p> <p>22 of his race and sex in connection</p> <p>23 with Yvette Schreiber, so I'm not</p> <p>24 sure if there may be some</p>
<p>327</p> <p>1 you have already told me about?</p> <p>2 A. I think we are just talking</p> <p>3 in tangents. This was the day after I</p> <p>4 called the corporate line, we were</p> <p>5 talking in tangents, but I felt I was</p> <p>6 working just in a hostile environment.</p> <p>7 Q. Did you tell him it was</p> <p>8 because of your race --</p> <p>9 A. No, sir.</p> <p>10 Q. Let me just finish.</p> <p>11 -- and your national origin?</p> <p>12 A. I'm sorry.</p> <p>13 Q. Did you tell him that it was</p> <p>14 because of your race and your national</p> <p>15 origin?</p> <p>16 A. Not on that conversation. I</p> <p>17 mean, I didn't -- on that call -- let me</p> <p>18 make sure I tell you the correct</p> <p>19 information.</p> <p>20 The day after I called</p> <p>21 Lowe's corporate care line, we had a</p> <p>22 conversation and there was no</p> <p>23 conversation about -- about</p> <p>24 discrimination on that call.</p>	<p>329</p> <p>1 confusion.</p> <p>2 THE WITNESS: Right.</p> <p>3 MR. LEAHY: Let me clarify,</p> <p>4 sir. I'm talking about harassment</p> <p>5 at Lowe's. You already told us</p> <p>6 when you complained about</p> <p>7 harassment to Lowe's, and I don't</p> <p>8 care who it was that was doing it,</p> <p>9 you told me that Yvette did it and</p> <p>10 Linda did it; correct?</p> <p>11 THE WITNESS: Yes, sir.</p> <p>12 BY MR. LEAHY:</p> <p>13 Q. I want to know about</p> <p>14 complaints that you made to Ideal about</p> <p>15 harassment at Lowe's, because I'm</p> <p>16 assuming you already told me everything</p> <p>17 about the complaints that you made to</p> <p>18 Lowe's; is that correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Tell me about Ideal. What</p> <p>21 complaints did you make to Ideal about</p> <p>22 harassment that was going on in the Dover</p> <p>23 store?</p> <p>24 MR. PRIMOS: And I will put</p>

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1 again the same objection on the
 2 record about asked and answered.
 3 I'm afraid that it's been asked so
 4 many times that there's going to
 5 be some confusion.
 6 So are you asking about
 7 other times that he hasn't already
 8 said or --
 9 MR. LEAHY: Sure, if you
 10 have already told me everything,
 11 that's fine.
 12 THE WITNESS: Yeah, because
 13 I -- yeah, because I -- there's
 14 been so many instances. I know
 15 I'm not going to back pedal.
 16 There's been so many incidents
 17 with so many various people, I
 18 think -- I think that was already
 19 covered.
 20 MR. LEAHY: Okay.
 21 BY MR. LEAHY:
 22 Q. Let's take a look at
 23 paragraph 16, and paragraph 16 deals with
 24 retaliation due to your complaints by

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1 continuing and increasing harassment, to
 2 paraphrase.
 3 Tell me how you were
 4 retaliated against by Yvette Schreiber.
 5 MR. PRIMOS: Objection.
 6 Asked and answered.
 7 You can answer.
 8 MR. LEAHY: I don't think
 9 it's been asked, actually.
 10 MR. PRIMOS: He did talk
 11 about, for example, after the
 12 December 3rd complaint, the
 13 micromanaging, that she was
 14 observing his performance in the
 15 way that she did not do it with
 16 other vendors.
 17 That's just an example. So
 18 I don't know if there are others,
 19 but I know that that's partially
 20 been asked and answered.
 21 - - -
 22 (Whereupon, Exhibit 5 was
 23 marked for identification.)
 24 - -

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1 BY MR. LEAHY:
 2 Q. Mr. Hanson, I'm showing you
 3 now the responses to interrogatories that
 4 we sent to your attorney in this case.
 5 I'm just going to ask you to turn, if you
 6 would, to the second to the last page.
 7 A. (Witness complies with
 8 request.)
 9 Okay.
 10 Q. It's the next page.
 11 A. Sorry.
 12 Q. Is that your signature?
 13 A. Yes, sir.
 14 Q. Okay. Have you read these
 15 responses?
 16 A. Yes, sir.
 17 Q. I'm sorry?
 18 A. Yes, sir.
 19 Q. So you read them when you
 20 signed that verification; is that
 21 correct?
 22 A. Yes, sir.
 23 Q. Okay. And what I am trying
 24 to do here is cut down on our time a

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1 little bit.
 2 Take a look at the second
 3 page, number 3.
 4 A. (Witness complies with
 5 request.)
 6 Okay.
 7 Q. I asked you there to
 8 describe in detail every instance of
 9 harassment by agents of defendant Lowe's
 10 as referenced in paragraph 16 of the
 11 complaint, and we have gone through this,
 12 and I want to run through them now with
 13 you very quickly and just tell me whether
 14 we have covered them all. Okay?
 15 MR. PRIMOS: Just to clarify
 16 for the record, I note that the
 17 quoted language actually seems to
 18 come from paragraph 14, not
 19 paragraph 16, of the complaint.
 20 MR. LEAHY: Okay.
 21 MR. PRIMOS: So --
 22 MR. LEAHY: Duly noted. My
 23 typographical error, and I
 24 apologize.

<p style="text-align: right;">334</p> <p>1 MR. PRIMOS: Okay. Okay.</p> <p>2 BY MR. LEAHY:</p> <p>3 Q. Sir, the first one is letter</p> <p>4 A and it says, on the morning of October</p> <p>5 6th, Lowe's employee, Yvette Schreiber,</p> <p>6 confronted plaintiff at the customer</p> <p>7 service desk because he was not wearing</p> <p>8 his vendor vest.</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. Is that something</p> <p>11 that you have already told me about?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. The second one is the</p> <p>14 issue with the billing out the paint; is</p> <p>15 that correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So you have already told me</p> <p>18 about that one?</p> <p>19 A. Yes, sir.</p> <p>20 Q. The next one, it says, on</p> <p>21 the morning of November 3, 2003,</p> <p>22 plaintiff was performing his job duties</p> <p>23 at defendant Lowe's and Ms. Schreiber</p> <p>24 walked by and stated, how long have you</p>	<p style="text-align: right;">336</p> <p>1 says, Mr. Leaman called plaintiff on his</p> <p>2 cell phone, and is this the conversation</p> <p>3 that you told us about following the</p> <p>4 complaint that you made?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. Now, if you take a --</p> <p>7 so are those all the instances of</p> <p>8 harassment, in addition to anything else</p> <p>9 that you may have told me today in your</p> <p>10 deposition?</p> <p>11 A. I'm sorry. Repeat that.</p> <p>12 Q. Those are all the instances</p> <p>13 of harassment that you were subjected to</p> <p>14 at Lowe's?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. Now, number 4</p> <p>17 probably is a better one, at least based</p> <p>18 on my reference to the complaint, Noel,</p> <p>19 referencing paragraph 16, and it asks you</p> <p>20 to describe every instance of retaliation</p> <p>21 that you suffered at Lowe's.</p> <p>22 Now, it refers to all of</p> <p>23 those incidents described above and -- in</p> <p>24 response to number 3. Do you see where</p>
<p style="text-align: right;">335</p> <p>1 been doing this, everything looks like</p> <p>2 shit, and is that one that you have told</p> <p>3 me about?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. And the next one is</p> <p>6 the issue with the coffee. Is that the</p> <p>7 one that you have already told me about?</p> <p>8 A. Yes, sir, but I would like</p> <p>9 to correct -- correct paragraph D.</p> <p>10 Q. Okay.</p> <p>11 A. That was actually outside</p> <p>12 the store.</p> <p>13 Q. Okay. So you were outside</p> <p>14 the store?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And she said you need to get</p> <p>17 out of this store now?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. The next one, are you</p> <p>20 going to get any work done today, boy.</p> <p>21 That's one that you have already told me</p> <p>22 about?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. And the last one</p>	<p style="text-align: right;">337</p> <p>1 it says that?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Are there any other instance</p> <p>4 of retaliation other than what's listed</p> <p>5 here that you were subjected to at</p> <p>6 Lowe's?</p> <p>7 A. Interrogatory 3?</p> <p>8 Q. Yes.</p> <p>9 A. See plaintiff's response to</p> <p>10 interrogatory 3 above.</p> <p>11 Q. Yes, and those are the</p> <p>12 instances we just went through?</p> <p>13 A. Everything we went through</p> <p>14 -- are you asking if there's anything</p> <p>15 additional?</p> <p>16 Q. Yes, anything beyond that?</p> <p>17 A. Uhm, no, sir.</p> <p>18 Q. Okay. Okay. Let's take a</p> <p>19 look at paragraph 17.</p> <p>20 A. (Witness complies with</p> <p>21 request.)</p> <p>22 Okay.</p> <p>23 Q. I'm sorry, to the complaint.</p> <p>24 You can set those aside for a second.</p>

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1 A. Okay.

2 Q. Paragraph 17 is the one you

3 have been wanting to tell me about.

4 A. Yes, sir.

5 Q. So I'm going to give you the

6 chance now, and it deals with your

7 termination, and I will let you read

8 paragraph 17 to yourself just so you're

9 familiar with it because we will be

10 referring to it a little bit.

11 A. (Reading.)

12 All right.

13 Q. Okay. Why don't you tell me

14 what happened that led to your

15 termination, dealing with the phone call?

16 A. After the phone call?

17 Q. Yes, what happened -- how

18 did you find out that you -- that your

19 employment with Ideal terminated?

20 A. Jeremy Leaman called me on a

21 Sunday to inform me that I was no longer

22 to work at -- no longer to work at Lowe's

23 Dover.

24 And I said, who did you hear

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1 that from?

2 He said Linda.

3 He was kind of hesitant to

4 tell me, but, surprisingly he told me

5 that it was Linda.

6 And I said, can you

7 please -- I said, Yvette is the store

8 manager, and I know that we don't have a

9 rapport, but I know if anybody can make

10 the decision it would be Yvette, not

11 Linda, so I said, you know, just please

12 find out for sure what's going on.

13 He said, okay.

14 I guess he didn't have it --

15 maybe he didn't have all the information,

16 but he said he'd call back and call me

17 back with a definitive answer.

18 So he called me back within

19 twenty, thirty minutes and basically

20 stated that, uhm, Linda got approval from

21 Yvette that I was to no longer work in

22 the Dover store, and keep in mind that I

23 had the Middletown store.

24 And I said, well, does this

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1 affect me with Middletown because, you

2 know, I need -- basically I need -- as

3 far as income, we all have to pay bills,

4 so I said -- well, I said this is just

5 absolutely ridiculous. Uhm, I said, does

6 this affect me in Middletown store?

7 He said, yes, it does.

8 It didn't make any sense to

9 me because they had a part-time Ideal

10 Merchandising at Middletown, so I could

11 have had supplemental income, something

12 instead of having nothing. I had

13 nothing. He says there is no part-time,

14 but he told me that before me there was a

15 part-time person in Middletown, so I just

16 didn't simply get that. He just

17 basically stated that there is no part

18 time and I'm no longer to work for Ideal

19 Merchandising.

20 Q. Did he tell you why?

21 A. I asked him why.

22 Q. Okay.

23 A. And, uhm, he said because it

24 was of recording conversations.

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1 Q. Because you were recording

2 conversations?

3 A. Yes.

4 Q. And that's --

5 A. And that's false. Jeremy

6 Leaman knew I had a tape recorder. I had

7 used -- I didn't use it for

8 conversations, I used it for note-taking

9 purposes because I had to make hundreds

10 of bin labels, the small stickers, the

11 big stickers, beam labels, I had to make

12 hundreds of different labels so I went

13 over every schematic on the tape recorder

14 on what labels instead of writing it down

15 because there were just too many, so I

16 recorded on the tape recorder that I

17 used, which Jeremy Leaman knew that I had

18 in my possession for labels, for

19 overhead, and specifically for

20 note-taking purposes because there was

21 just too much to write.

22 And that whole information

23 was miss -- misskewed(sic), and Linda

24 just used that as if I was -- where she

<p style="text-align: right;">342</p> <p>1 came up with that? She -- she just -- I</p> <p>2 don't know where she came up with that,</p> <p>3 but she came up with me recording</p> <p>4 conversations to have me terminated.</p> <p>5 Q. How do you know that Jeremy</p> <p>6 Leaman knew that you had a tape recorder?</p> <p>7 A. Because when I had</p> <p>8 complained, uhm, to the corporate office,</p> <p>9 and when he got the call the next day</p> <p>10 from Yvette Schreiber, we talked a lot,</p> <p>11 but one of the things he says is he</p> <p>12 said/she said, and that's even quoted in</p> <p>13 here, and basically, if anything, it</p> <p>14 would have -- if anything, instead of he</p> <p>15 said/she said, it would have to be, you</p> <p>16 know, recorded. He knew I had a tape</p> <p>17 recorder so that's why he mentioned that.</p> <p>18 He knew that I used the tape recorder for</p> <p>19 note-taking purposes. He seen me use the</p> <p>20 tape recorder.</p> <p>21 Q. He had seen you use it?</p> <p>22 A. Yes.</p> <p>23 Q. So he knew you had a tape</p> <p>24 recorder in the Lowe's store?</p>	<p style="text-align: right;">344</p> <p>1 plumbing, and the plumbing -- I don't</p> <p>2 think he even worked in plumbing, but his</p> <p>3 name was Carlos, I think he was outside</p> <p>4 garden, but he went by me and said, hey,</p> <p>5 what you doing with that tape recorder?</p> <p>6 And I said, I'm using it for</p> <p>7 work.</p> <p>8 And he was like saying all</p> <p>9 kind of stuff about me and stuff, and he</p> <p>10 goes, yeah, yeah, got that on tape. He</p> <p>11 was saying that to me.</p> <p>12 And I was like -- I said,</p> <p>13 dude, I said, let me finish my job.</p> <p>14 Carlos is just like extrovertous(sic),</p> <p>15 outside the box, loose cannon, and I just</p> <p>16 basically stated that, you know -- I</p> <p>17 mean, I guess not too many people do it,</p> <p>18 but I do it, and I needed it to get my</p> <p>19 job done and it helps me out getting it</p> <p>20 done.</p> <p>21 And he goes, oh, man, you're</p> <p>22 just messing around, you're playing</p> <p>23 games.</p> <p>24 So I said, I'm not playing</p>
<p style="text-align: right;">343</p> <p>1 A. Yes.</p> <p>2 Q. Did he tell you to tape</p> <p>3 record a conversation then?</p> <p>4 A. No, sir.</p> <p>5 Q. Did he tell you to tape</p> <p>6 record anything?</p> <p>7 A. He told me that I could use</p> <p>8 it for note-taking purposes before</p> <p>9 because I asked him about it. I said, is</p> <p>10 it okay if I use this just for printing</p> <p>11 out stickers and overhead, and he said</p> <p>12 sure, it's not a problem.</p> <p>13 Q. Okay. Is that the only</p> <p>14 thing you used your tape recorder for at</p> <p>15 Lowe's?</p> <p>16 A. Yes, sir.</p> <p>17 Q. You never used it for</p> <p>18 anything else?</p> <p>19 A. No, sir.</p> <p>20 Q. Did you ever record any</p> <p>21 conversations at all?</p> <p>22 A. There was one time where I</p> <p>23 was -- I was -- for note-taking purposes,</p> <p>24 I was recording stuff that I had to do in</p>	<p style="text-align: right;">345</p> <p>1 games. If you don't believe that this is</p> <p>2 what I do, here's the tape. I gave him</p> <p>3 my tape. I said, you take that home and</p> <p>4 you play that and you'll hear nothing but</p> <p>5 schematics on everything that I have done</p> <p>6 with Lowe's because I guess you never</p> <p>7 seen that done before. I said you take</p> <p>8 it home and bring that back.</p> <p>9 What came of it I guess he</p> <p>10 gave it to Linda or something like</p> <p>11 that -- or I don't know what happened, --</p> <p>12 actually, I don't think he gave it to</p> <p>13 Linda, he just mentioned it, because as</p> <p>14 far as I understood, he didn't have the</p> <p>15 tape so I guess he lost it, or whatever</p> <p>16 he did with it, but all he did was</p> <p>17 mention it, and that was ammunition for</p> <p>18 Yvette to give the nod to have me</p> <p>19 terminated.</p> <p>20 Q. How do you know that he</p> <p>21 mentioned it to Linda?</p> <p>22 A. I don't know.</p> <p>23 Q. How do you know that Yvette</p> <p>24 gave the nod to have you terminated?</p>

<p style="text-align: right;">346</p> <p>1 A. Because Linda had told 2 Jeremy Leaman that Yvette approved of my 3 termination. 4 Q. And that's what Jeremy told 5 you? 6 A. Yes, sir. 7 Q. Now, you said that you were 8 recording this information on the tape 9 recorder? 10 A. Yes, sir. 11 Q. What did you do with it 12 after you recorded it? 13 A. I would reuse the tape over 14 and over and over. The tape was nothing 15 like I kept in my desk or -- I just 16 reused it, just flipped it back and forth 17 and just used it every day. I left gaps 18 in there so I knew what was old and what 19 was new. 20 Q. What did you do with it? 21 Did you listen to it afterwards? 22 A. Yeah, I would listen to it. 23 See, some of the Lowe's stores have two 24 stations. Actually, most of the stores</p>	<p style="text-align: right;">348</p> <p>1 A. Uhm, at the station that -- 2 that you were able to print out labels 3 for bin and beam stickers. 4 Q. So within the Lowe's store? 5 A. It was inside the Lowe's 6 store that I played it. 7 Q. Okay. Did anybody at Lowe's 8 ever -- you mentioned an incident with 9 Carlos. Anybody at Lowe's ever talk to 10 you about having the tape recorder or 11 seeing you with the tape recorder other 12 than that? 13 A. Nobody, that's why I guess I 14 mentioned Carlos. 15 Well, I can't say that -- to 16 back up, I know people have seen me with 17 the tape recorder. 18 Q. Nobody ever said anything to 19 you about it? 20 A. But nobody ever said 21 anything to me about it. 22 Q. Did you ever ask anybody if 23 you could use the tape recorder in the 24 Lowe's store?</p>
<p style="text-align: right;">347</p> <p>1 have two stations. When I say stations, 2 I mean stations to print out stickers, 3 bin labels, beam labels, for pricing of 4 the product. 5 So what I would do is I 6 would play every SKU number that I had, 7 and it would say aisle, for example, 7 8 following SKU numbers and 37168, you 9 know, most of them were five numbers, 10 37162, and then there would be a pause, 11 aisle 8, and while I was -- I type fast, 12 so when I would play it, I would type it 13 and get all the SKU numbers in and print 14 it out, because they gave me a lot of 15 paperwork, Ideal Merchandising, that is, 16 so I didn't want to carry too much 17 paperwork and that's why I had a -- the 18 tape recorder, but I would play it, just 19 listen to the SKUs, input all the SKUs 20 into the computers, have the labels 21 printed out. Then when I was done with 22 the tape, I would reuse the tape for the 23 next day. 24 Q. Where would you type it out?</p>	<p style="text-align: right;">349</p> <p>1 A. No, sir, I just asked Jeremy 2 Leaman. 3 Q. You never asked anybody at 4 Lowe's? 5 A. No, sir. 6 Q. Now, you said Carlos took 7 this tape from you, or you gave it to 8 him, I'm sorry? 9 A. Sorry, yes, I just gave it 10 to him. 11 Q. Did you ever ask for it 12 back? 13 A. No. I told -- like I said, 14 he's outside the box, so I would tell him 15 he can learn something from it and take 16 it home. 17 Q. What do you mean "he's 18 outside the box?" 19 A. Outside the box is probably 20 not the right terminology to use, but 21 he's just a guy that -- you know, you 22 have people that say a lot of jokes, when 23 they talk, it's nothing of substance, 24 just everything is a joke to them, one</p>

<p style="text-align: right;">350</p> <p>1 joke after another, one joke after 2 another. 3 Q. So -- 4 A. So -- I'm sorry. 5 Q. Go ahead. I was just going 6 to -- what I was trying to get at is, you 7 told him he could take it home then? 8 A. Yeah, and I told him he 9 could learn something from it. I never 10 asked for it because -- because I had 11 another tape I could use. 12 Q. Did you ever contact him 13 about the tape later? 14 A. No, because shortly 15 thereafter I was terminated. 16 Q. And did you ever talk to him 17 after you were terminated about the tape? 18 A. No, sir, I haven't seen him 19 since. 20 Q. I didn't ask you if you had 21 seen him, I asked you, did you ever 22 contact him and tell him to destroy the 23 tape? 24 A. No, sir.</p>	<p style="text-align: right;">352</p> <p>1 Q. Do you see that? 2 A. Yes, I see it, sir. 3 Q. Okay. It says, wrongful 4 termination without just cause or 5 warning. Why was your termination 6 wrongful? 7 A. Because I wasn't given a 8 warning. 9 Q. Do you think you should have 10 been given a warning first? 11 A. Yes, I felt that if there 12 was an issue with having a tape recorder, 13 which many people have seen me with it, I 14 thought it should have been addressed, 15 you are not to have this tape recorder in 16 the store, if so, you will be written up 17 in some form. 18 That was not done. It was 19 automatically termination based on 20 hearsay. 21 Q. So you think it was too 22 harsh to just terminate you off the bat? 23 A. Absolutely. 24 Q. Next one says, falsely</p>
<p style="text-align: right;">351</p> <p>1 - - - 2 (Whereupon, Exhibit 6 was 3 marked for identification.) 4 - - - 5 BY MR. LEAHY: 6 Q. Mr. Hanson, I'm showing you 7 now the -- an information questionnaire 8 that you submitted to the Office of Labor 9 Law Enforcement in the State of Delaware. 10 Is that your signature at the bottom? 11 A. Yes, sir. 12 Q. Did you fill this out 13 yourself? 14 A. Yes, sir. 15 Q. Okay. I would like to ask 16 you a couple of quick questions about it, 17 and the first one, do you see a third of 18 the way down it says, what employment 19 action was taken against you? Do you see 20 that? 21 A. The third one down? 22 Q. About a third of the way 23 down, the first box there you filled out. 24 A. Yes, sir.</p>	<p style="text-align: right;">353</p> <p>1 accused of recording conversations 2 because you didn't record conversations? 3 A. Correct. 4 Q. You never recorded any 5 conversations in the Lowe's store? 6 A. Never. 7 Q. You never recorded any 8 conversations in the Lowe's store? 9 A. Never. 10 Q. You never recorded anything 11 other than these SKU numbers that you 12 have described and things like that? 13 A. Yes, sir. 14 Q. Okay. Let's look down -- 15 you see the next section? 16 A. Yes, sir. 17 Q. It says, I believe this 18 action was taken against me because of. 19 Do you see that section? 20 A. Yes, sir. 21 Q. Okay. You see there's a 22 lot of boxes there to check off? Do you 23 see the boxes that are checked off? 24 A. Yes, I do.</p>

<p>354</p> <p>1 Q. You have race checked off; 2 correct? 3 A. Yes. 4 Q. And national origin, you 5 checked that off? 6 A. Yes, sir. 7 Q. Color you checked off? 8 A. Yes. 9 Q. Why didn't you check off 10 sex? 11 A. I don't know. 12 Q. At the time did you think it 13 was because of your sex that you had been 14 terminated? 15 A. I think just a lot of it 16 just -- you see, I had to write this at 17 the office and in Milford. I had to -- I 18 didn't think I had to do all this writing 19 there, and I think a lot of it just, uhm, 20 you know, I simply didn't check it for 21 some reason. I mean, I probably didn't 22 check it because I didn't expect to have 23 to write all this right then and there, 24 because I remember I had to write all</p>	<p>356</p> <p>1 the Dover store raising her voice and 2 making a scene in front of employees and 3 customers, and have you already told me 4 about that? 5 A. Yes, sir. 6 Q. The next one I'm having a 7 little trouble with. Calling me out, is 8 that what that says? 9 A. Yeah, I'm surprised that -- 10 surprised -- that's not appropriate, but 11 yeah, that's what I wrote. 12 Q. What did you mean by that? 13 A. Uhm, like, for example, one 14 of them I already mentioned was like when 15 I didn't -- that day when I didn't have 16 any vendor vest on and I was in the 17 electrical department and she could see 18 me in plain view, and the office is near 19 the department, and instead of saying, 20 hey, Mr. Hanson, can I see you for a 21 minute? What are you doing? And she 22 said it louder and louder and louder, 23 what are you doing? 24 And that's what I was</p>
<p>355</p> <p>1 this right then and there in front of the 2 gentleman, Andrew Boggerty, that was 3 working there at the time, so I thought 4 it would be just a verbal, uhm, situation 5 where he asked me questions and I 6 answered them and he would type it in. 7 I don't think I would have 8 to write all this down, so that's just on 9 my part just bypassing that for some 10 reason. 11 Q. But you did know that you 12 had to check race? 13 A. Yes. 14 Q. And national origin? 15 A. Yes, sir. 16 Q. And color? 17 A. Yes. 18 Q. Okay. Let me ask you, in 19 the section where you wrote down below 20 there, you have store manager, Yvette, 21 has called me boy on several occasions, 22 we have talked about that; correct? 23 A. Yes, sir. 24 Q. Yvette has walked by me in</p>	<p>357</p> <p>1 telling you before, I approached the desk 2 and she wanted to know why I didn't have 3 the vendor vest on. 4 Q. So are you talking about her 5 talking to you in front of people instead 6 of doing it privately? 7 A. Correct, from a distance, 8 loud, repetitive and doing it to be 9 demeaningful(sic) because I didn't 10 respond to the first call. 11 Q. Okay. 12 MR. LEAHY: Why don't we 13 take a break now. 14 - - - 15 (Whereupon, there was a 16 discussion held off the record at 17 this time.) 18 - - - 19 (Whereupon, there was a 20 recess held at this time, 4:20 to 21 4:29 p.m.) 22 MR. LEAHY: What we are 23 going to do, and I will tell you 24 this in advance, this is a copy of</p>

<p>358</p> <p>1 the tape from Carlos Vazquez that</p> <p>2 Carlos Vazquez produced to us.</p> <p>3 MR. PRIMOS: Is this the</p> <p>4 same copy that you produced to us?</p> <p>5 MR. LEAHY: Yes, it is.</p> <p>6 MR. PRIMOS: Because -- this</p> <p>7 is off the record.</p> <p>8 - - -</p> <p>9 (Whereupon, Exhibit 7 was</p> <p>10 marked for identification.)</p> <p>11 - - -</p> <p>12 (Whereupon, a portion of the</p> <p>13 tape was played.)</p> <p>14 - - -</p> <p>15 BY MR. LEAHY:</p> <p>16 Q. Mr. Hanson, we have just</p> <p>17 played one portion of the tape. Was that</p> <p>18 your voice on the tape?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Was that you saying testing</p> <p>21 1, 2, 3?</p> <p>22 A. Yes.</p> <p>23 Q. Why were you doing that?</p> <p>24 A. To make sure the tape --</p>	<p>360</p> <p>1 Q. Okay. Why were you testing</p> <p>2 -- I'm sorry, why did you want to make</p> <p>3 sure it recorded your voice?</p> <p>4 A. So that when I did use it,</p> <p>5 which there probably won't be much on</p> <p>6 there because that was one of my college</p> <p>7 tapes, but when I did use it, then when I</p> <p>8 did have SKUs, you know, numbers or</p> <p>9 whatever I needed to say, to say on that</p> <p>10 tape, that that would come through,</p> <p>11 because I had problems before where I</p> <p>12 would talk and there would be nothing on</p> <p>13 the tape.</p> <p>14 Q. Okay.</p> <p>15 - - -</p> <p>16 (Whereupon, a portion of the</p> <p>17 tape was played.)</p> <p>18 - - -</p> <p>19 BY MR. LEAHY:</p> <p>20 Q. Mr. Hanson, we played a few</p> <p>21 portions, a few little segments of the</p> <p>22 tape just now. That last part, was that</p> <p>23 a conversation between you and Carlos</p> <p>24 Vazquez?</p>
<p>359</p> <p>1 because that tape should be -- I'm -- I'm</p> <p>2 not going to say that's a new tape, but I</p> <p>3 have a lot of tapes from when I was in</p> <p>4 college and I recorded a lot of the</p> <p>5 college lectures, so that was actually a</p> <p>6 new tape. That day, if that's the tape</p> <p>7 that Carlos submitted, that was one of my</p> <p>8 college tapes, and I was trying to</p> <p>9 ensure -- because I used that college</p> <p>10 tape several times, so I was trying to</p> <p>11 ensure that it was one that was working</p> <p>12 and I rewind it and played that back. I</p> <p>13 just wanted to hear my voice.</p> <p>14 Q. Were you walking around the</p> <p>15 room to see how well it picked up your</p> <p>16 voice?</p> <p>17 A. No, I was just stationary,</p> <p>18 standing in one section saying that.</p> <p>19 Q. Where did you do that</p> <p>20 recording?</p> <p>21 A. The plumbing department.</p> <p>22 Q. That was done inside the</p> <p>23 Lowe's store?</p> <p>24 A. Yes, sir.</p>	<p>361</p> <p>1 A. Yes, it was.</p> <p>2 Q. And it sounded to me like</p> <p>3 you said something to Carlos to the</p> <p>4 effect of, you didn't say that loud</p> <p>5 enough; is that right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Why did you say that to Mr.</p> <p>8 Vazquez?</p> <p>9 A. Just going back to what I</p> <p>10 was telling you, that I had the tape</p> <p>11 recorder in my hand and he saw me, that I</p> <p>12 was about to use it for the plumbing</p> <p>13 department, and he was saying all kinds</p> <p>14 of things at me and saying, you know,</p> <p>15 like I never seen anybody use that, and</p> <p>16 you know, he was just -- like I was</p> <p>17 saying, he was outside the box.</p> <p>18 And basically I said, look,</p> <p>19 okay, going back to what I say, didn't</p> <p>20 say it loud enough, here's the tape</p> <p>21 recorder, here's the tape, take it, you</p> <p>22 can learn from it.</p> <p>23 It wouldn't have done no</p> <p>24 good because that was one of my college</p>

<p>1 tapes so there wouldn't have been 2 anything on it. 3 Q. You also had the phrase on 4 there, check it out mother fucker; is 5 that correct? 6 A. See that -- oh, I don't know 7 if that's my voice or not. You might 8 have to replay that one, because I can't 9 see myself saying that. 10 --- 11 (Whereupon, a portion of the 12 tape was played.) 13 --- 14 BY MR. LEAHY: 15 Q. Was that your voice? 16 A. That's not my voice because 17 I wouldn't say anything like that, just 18 no way, especially inside of a store, 19 because I hear a lot of noise in the 20 background. I would never say anything 21 like that. 22 Q. Those other things that we 23 heard there, and it sounded like somebody 24 getting directions to 95, was that inside</p>	<p>362 1 Carlos Vazquez? 2 A. No, sir. 3 Q. Okay. So had you taken any 4 notes yet? 5 A. No, sir. 6 Q. Any other portions of that 7 tape other than the exchange between you 8 and Carlos Vazquez that were recorded 9 inside a Lowe's store? 10 A. The one with me and Carlos 11 is definitely inside the Lowe's store. 12 Uhm, testing 1, 2, 3 was inside the 13 Lowe's store. And that's it. 14 Q. Okay. 15 A. I know that was my voice and 16 that was me. 17 Q. Okay. Are there other 18 portions on there that could have been 19 inside the Lowe's store? 20 A. Yes, sir. 21 Q. What portions were those? 22 A. The one that said check it 23 out MF, that could have been in the 24 Lowe's store, but that's not my voice and</p>
<p>363 1 the Lowe's store? 2 A. I'm not for certain, sir. I 3 would have to listen to it again. I'm 4 not for certain if that was. 5 That's a college tape. I 6 used that for college, so there's 7 probably going to be a lot of things on 8 that tape. 9 Q. Okay. But the conversation 10 between you and Carlos Vazquez, though, 11 that portion of it was -- that was 12 recorded inside the Lowe's store? 13 A. Yes, sir. 14 Q. Okay. And you were not 15 taking notes on that conversation between 16 you and Carlos, were you? 17 A. I was in transition, about 18 to take notes and start working in the 19 plumbing department. 20 Q. Were there any notes 21 recorded on there in the portion that -- 22 notes that you -- in that portion that we 23 have listened to so far up to that point 24 of the conversation between you and</p>	<p>365 1 that's not me. I wouldn't say anything 2 like that. 3 Q. Okay. Now, there was also a 4 portion on there where you -- when you 5 started speaking with Carlos and you said 6 something about what was it you were 7 saying to me earlier; is that right? 8 A. I was saying what was you 9 saying -- I don't remember the whole 10 extent of the conversation, but he 11 thought me using a tape recorder was a 12 joke, and that I believe what I said to 13 him after that was, you think this is a 14 joke, you take this -- and then after 15 that I said, what did you say, you think 16 this is a joke? And I had the tape 17 recorder in my hand, and I said, here, 18 take the tape home, and I gave him the 19 tape, and I said you could learn 20 something from it. 21 Q. Why did you want him to say 22 it again -- you asked him -- you didn't 23 say that loud enough; is that what you 24 said?</p>

<p style="text-align: right;">366</p> <p>1 A. Yeah, that he didn't say --</p> <p>2 I said that he didn't say that loud</p> <p>3 enough because he said that by me using a</p> <p>4 tape recorder is a joke.</p> <p>5 And I said, what did you</p> <p>6 say?</p> <p>7 He goes, that's a joke.</p> <p>8 I said, no, it's not a joke.</p> <p>9 Here's the tape recorder, take it, you</p> <p>10 could learn something from it.</p> <p>11 And I had the tape recorder</p> <p>12 -- I'm sorry, can I say something?</p> <p>13 Q. Sure.</p> <p>14 A. And I had the tape recorder</p> <p>15 in my hand when I was saying that to him.</p> <p>16 Q. You didn't have it in a bag?</p> <p>17 A. No, it was in my hand.</p> <p>18 Q. You didn't have it anywhere</p> <p>19 else?</p> <p>20 A. No, sir, in my hand.</p> <p>21 Q. In this conversation with</p> <p>22 Carlos, the exchange that you were</p> <p>23 having, did anybody make any reference to</p> <p>24 oral sex?</p>	<p style="text-align: right;">368</p> <p>1 it was he said.</p> <p>2 A. Dick.</p> <p>3 Q. Did you say anything in</p> <p>4 response?</p> <p>5 A. Not -- you would have to</p> <p>6 play the tape.</p> <p>7 Q. Okay.</p> <p>8 - - -</p> <p>9 (Whereupon, a portion of the</p> <p>10 tape was played.)</p> <p>11 - - -</p> <p>12 BY MR. LEAHY:</p> <p>13 Q. Now, was the conversation</p> <p>14 something to the effect of what was the</p> <p>15 thing you said a couple minutes ago; is</p> <p>16 that what you asked him?</p> <p>17 A. Yes.</p> <p>18 Q. And he said, what, about my</p> <p>19 dick in your mouth?</p> <p>20 A. Something like that.</p> <p>21 Q. Is that what he said?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And you then said you didn't</p> <p>24 say that loud enough?</p>
<p style="text-align: right;">367</p> <p>1 A. He did.</p> <p>2 Q. You haven't told me about</p> <p>3 that yet. Why don't you tell me about</p> <p>4 that?</p> <p>5 A. I don't know if that was</p> <p>6 recorded or not.</p> <p>7 Q. Well, why don't you tell me</p> <p>8 about it, whether it was recorded or not.</p> <p>9 A. I gave him the tape, but it</p> <p>10 might have been before I gave him the</p> <p>11 tape. Like I said, he says a lot of</p> <p>12 things. Remember when I was saying he</p> <p>13 goes from one joke after another joke.</p> <p>14 -- he speaks in tangents, he speaks a</p> <p>15 little bit about everything, and he made</p> <p>16 some phrases on oral sex.</p> <p>17 Q. Do you remember what the</p> <p>18 phrases were?</p> <p>19 A. It was pretty negative.</p> <p>20 Q. You can tell me.</p> <p>21 A. He told me something like I</p> <p>22 suck, you know.</p> <p>23 Q. I'm sorry, we are on the</p> <p>24 record, sir, and you have to tell me what</p>	<p style="text-align: right;">369</p> <p>1 A. That's my voice. I said</p> <p>2 that.</p> <p>3 Q. Is that a conversation that</p> <p>4 you had been having with Carlos Vazquez</p> <p>5 earlier?</p> <p>6 A. It was right then and there</p> <p>7 when I was in the process of using -- it</p> <p>8 was right in the process when I was using</p> <p>9 my tape recorder. I had it right in my</p> <p>10 hand.</p> <p>11 Q. What was the thing you told</p> <p>12 me earlier, that he said something about</p> <p>13 tape recording being a joke?</p> <p>14 A. Yeah, he did.</p> <p>15 Q. Okay. I didn't hear that on</p> <p>16 there. Did you hear that on there?</p> <p>17 A. It wasn't on there.</p> <p>18 Q. So the only thing that got</p> <p>19 recorded was this reference to oral sex</p> <p>20 that he had made?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And had you had a</p> <p>23 conversation with him about oral sex</p> <p>24 prior to this event that you recorded?</p>

<p>370</p> <p>1 A. He says a lot of stuff to me</p> <p>2 and, uhm, if he did, I don't -- if it's</p> <p>3 on the tape, it's on the tape. If he</p> <p>4 did, I don't recall, but he does say a</p> <p>5 lot of different things to me, and a lot</p> <p>6 of it is just negative.</p> <p>7 Q. What do you mean by</p> <p>8 "negative"?</p> <p>9 A. Reference to what you were</p> <p>10 saying before, oral sex.</p> <p>11 Q. Did you ever say anything to</p> <p>12 him about oral sex during the time that</p> <p>13 you worked there?</p> <p>14 A. I'm just saying I listen to</p> <p>15 him, but I hear him. I should tell him,</p> <p>16 you know, I don't need to hear that and</p> <p>17 go away, but I just -- I can actually do</p> <p>18 my work while someone is still talking to</p> <p>19 me, so when he says stuff to me I'm still</p> <p>20 working.</p> <p>21 Q. Did you ever talk to him</p> <p>22 about sex or anything like that?</p> <p>23 A. Not that I know of.</p> <p>24 Q. No?</p>	<p>372</p> <p>1 she's attractive?</p> <p>2 A. I would say it in many</p> <p>3 different ways, she looks good. I don't</p> <p>4 know exactly what was said. There would</p> <p>5 be many ways that I would say it.</p> <p>6 Q. So let me make sure I have</p> <p>7 this -- the view from your perspective</p> <p>8 after this correct, so tell me if I am</p> <p>9 wrong. Carlos Vazquez took a tape from</p> <p>10 you?</p> <p>11 A. I gave him the tape.</p> <p>12 Q. I'm sorry, I will correct</p> <p>13 that.</p> <p>14 So you gave him the tape?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And we have just heard a</p> <p>17 portion of that tape that you gave him?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Now, as far as you know,</p> <p>20 Carlos gave the tape to Linda?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is that your understanding</p> <p>23 of what happened?</p> <p>24 A. Yes, sir.</p>
<p>371</p> <p>1 A. Unless it's on the tape.</p> <p>2 Like I said, I can't recall.</p> <p>3 Q. Did you ever discuss with</p> <p>4 him what women in the store you found</p> <p>5 attractive?</p> <p>6 A. There is -- I mean, we all</p> <p>7 do. When we see, uhm, not necessarily</p> <p>8 the -- more are some customers -- like we</p> <p>9 all do it. I mean, when we see a</p> <p>10 customer that is dressed elegantly and</p> <p>11 whatnot, we will just say that's one</p> <p>12 attractive woman.</p> <p>13 Q. What do you mean by "we"?</p> <p>14 A. Carlos and myself.</p> <p>15 Q. Okay. So you did talk to</p> <p>16 Carlos?</p> <p>17 A. We talked, yeah. I mean, it</p> <p>18 was not like he was out to get me or</p> <p>19 anything like that. Any time he would</p> <p>20 see me, he would come around and joke</p> <p>21 around. He would point out a woman and</p> <p>22 he would say, what do you think of her?</p> <p>23 I would say, yeah, she is attractive.</p> <p>24 Q. Is that how you said it,</p>	<p>373</p> <p>1 Q. And how did you know that he</p> <p>2 gave the tape to Linda?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. You only know that</p> <p>5 somehow Linda contacted Jeremy Leaman; is</p> <p>6 that correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And told Jeremy that you had</p> <p>9 been tape recording conversations in the</p> <p>10 store?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. Now, can you</p> <p>13 understand why Linda Myers would think</p> <p>14 that you had been tape recording</p> <p>15 conversations in the store, having heard</p> <p>16 that tape?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. Because you actually</p> <p>19 did record a conversation between you and</p> <p>20 Carlos Vazquez, didn't you?</p> <p>21 A. That was unintentional.</p> <p>22 Q. But you did do it, didn't</p> <p>23 you?</p> <p>24 A. It's recorded, but it was</p>